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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,624	10/14/2003	William Gunby	22137-00003-US1	2623

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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,624	Applicant(s) GUNBY, WILLIAM	
	Examiner Hau V Phan	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 11/24/2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 3, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kameda et al. (5,467,668).**

Kameda et al. in figures 1-16, disclose a power train and a method for an automobile vehicle comprising an engine (6), a transfer case (12) having a input shaft (as shown in figure 3) coupled to an output shaft of the engine at one end of the engine. Kameda et al. also disclose a transmission (7) having an input shaft (as shown in figure 3) coupled to an output shaft (as shown in figure 3) of the transfer case. Kameda et al. also disclose a drive shaft (as shown in figures 1 and 3) coupled to an output shaft (as shown in figures 1 and 3) of the transmission. Kameda et al. also disclose means for propelling the vehicle, wherein the engine is located at a position which is laterally offset from and adjacent to a side of the transmission (as shown in figures 1 and 3) so as to be

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essentially parallel with the transmission along respective longitudinal axes thereof and wherein the input shaft and output shaft of the transfer case are both located on a same side of the transfer case corresponding to the one end of the engine. Wherein the means for propelling the vehicle including one or more propellers coupled to the transmission drive shaft through one or more associated propeller shafts. Kameda et al. disclose the engine and transmission, which are arranged in front of the axle and differential in a mid-mounted engine configuration.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-2, 5, 7-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kameda et al. (5,467,668) in view of Roycroft et al. (6,821,166).**

Kameda et al. in figures 1-16, disclose a power train and a method for an automobile vehicle comprising an engine (6), a transfer case (12) having a input shaft (as shown in figure 3) coupled to an output shaft of the engine at one end of the engine. Kameda et al. also disclose a transmission (7) having an input shaft (as shown in figure 3) coupled to an output shaft (as shown in figure 3) of the

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transfer case. Kameda et al. also disclose a drive shaft (as shown in figures 1 and 3) coupled to an output shaft (as shown in figures 1 and 3) of the transmission. Kameda et al. also disclose means for propelling the vehicle, wherein the engine is located at a position which is laterally offset from and adjacent to a side of the transmission (as shown in figures 1 and 3) so as to be essentially parallel with the transmission along respective longitudinal axes thereof and wherein the input shaft and output shaft of the transfer case are both located on a same side of the transfer case corresponding to the one end of the engine. Wherein the means for propelling the vehicle including one or more propellers coupled to the transmission drive shaft through one or more associated propeller shafts. Kameda et al. disclose the engine and transmission, which are arranged in front of the axle and differential in a mid-mounted engine configuration. Kameda et al. fail to show the engine and the transmission, which are arranged behind the axle and differential in a rear-mounted engine configuration.

Roycroft et al. in figure 10, teaches a power train comprising an engine (18) and a transmission (11"), which are arranged behind an axle (58) and a differential (24") in a rear-mounted engine configuration. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the motor vehicle of Kameda et al. with the power train having an engine and a transmission, which are arranged behind an axle and a differential in a rear-mounted engine configuration as taught by Roycroft et al. in order to provide the vehicle with different configurations.

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Regarding claim 2, Kameda et al. disclose the means for propelling the vehicle including a set of wheels attached to an axle coupled to the transmission drive shaft through a differential (as shown in figure 1-3).

Regarding claim 5, Kameda et al. disclose a moment arm of the engine and transmission arrangement, which is less than a distance between the differential and the transfer case.

Regarding claim 8, Kameda et al. disclose the applying step including applying the transmission output to a set of wheels.

Regarding claim 10, Kameda et al. disclose the step of ensuring that a moment arm of the engine and transmission arrangement, which is within a respective length of both the engine and the transmission.

Regarding claim 11, Kameda et al. disclose a front end of the engine, which is higher than a rear end of the engine so as to provide an angle between the engine output shaft and an input shaft of the transfer case.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 5-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hornung discloses an axle suspension in a bus, Garry discloses a rear engine driven vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau Phan
1/9/05

Hau V Phan
Examiner
Art Unit 3618

HAU PHAN
PATENT EXAMINER